

RECEIVED
CENTRAL FAX CENTER

JUL 12 2006

REMARKS

Before discussing the Restriction Requirement, Applicants would like to thank Examiner Schultz for his time and helpful remarks during the telephonic interview with Applicants representative, Cheryl H. Agris on July 12, 2006.

The Examiner essentially asserts that the claims should be restricted to the following two groups:

- I. Claims 252 and 253 drawn to a process for selectively expressing a prokaryotic gene in a eukaryotic cell (conditional inactivation of genes by insertion of intron sequences);
- II. Claim 254, drawn to a process for selectively expressing a prokaryotic viral gene in a eukaryotic cell (expression of e.g., T7, SP6 polymerase)

Applicants herewith elect the claim of Group II, claim 254 with traverse. Applicants note that it is stated in MPEP 808.01(a):

A requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required.

It is Applicants view that there would not be a serious burden on the Examiner to search the claims in Groups I and II. Three criteria are stated in MPEP 808.02: (A) Separate classification; (B) Separate status in the art and (C) A different field of search.

Applicants note that the claims in both groups are classified in class 514, 44 and that similar fields of search would be used for both claims.

In view of the above arguments, Applicants respectfully request that the Restriction Requirement be withdrawn. The Examiner is invited to contact the undersigned if there are any questions regarding this response or application.

Respectfully submitted,

Cheryl H. Agris

Cheryl H. Agris, Reg. No. 34,086

Dated: 7/12/06